

وضع المترجمين القانونين فى ليبيا خلال الفترة من ١٩٩٠-٢٠٠٠

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لوحظ زيادة الطلب على المترجمين القانونين فى ليبيا خلال الفترة من ١٩٩٠- ٢٠٠٠. نتيجة لعوامل معينة زادت الحاجة الى الترجمة القانونية والمترجمين القانونيين باضطراد مما أدى الى ازدهار الترجمة التجارية خلال الفترة المذكورة.

توضح هذه الورقة باختصار الاوضاع القانونية والاجتماعية والمالية للمترجمين القانونيين فى ليبيا فى العقد الماضى، كما أنها تدرس بعض المشاكل التى واجهت المترجمين خلال الفترة المحددة للدراسة.

تم استقاء المعلومات من خلال استبيان استطلاعى موجه الى المترجمين القانونين القائمين فعليا بهذا العمل خلال فترة الدراسة فى بعض المدن الليبية الواقعة فى شمال ليبيا وهى: طرابلس، الخمس، زليتن ومصراته.

يحاول الباحث فى هذه الورقة أن يلقى الضوء على هذه المجموعة من المترجمين القانونيين الذين ساهموا بطريقة مباشرة أو غير مباشرة فى ازدهار الترجمة الادارية والتجارية فى ليبيا خلال الفاترة المعنية بالدراسة ١٩٩٠-٢٠٠٠.

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translators' interests, (2) solving problems which may appear between a translator and translation commissioners or users, and (3) enhancing the social status of the translator in society.

3. Use of information technology (IT)

Because some translators were using old-fashioned equipment such as the typewriter during the period covered by the study, and because information technology is developing rapidly, Libyan legal translators are required to develop their agencies' equipment to cope with modern technology. This includes the use of computers, modems, faxes, scanners and the Internet.

Further research

Since translation is an essential element in business translation, and because the demand for translation increases rapidly, there are other aspects in business translation, which need to be investigated and explored in other studies. Such studies may cover other areas in Libya such as Benghazi, Darna and Tobruk. Since this study is related to a particular period of time (1990-2000), other studies need to be conducted to cover other periods of time, i.e. before 1990 or after 2000, other than flourishing aspect. One may analyse the business translation and compare translations.

Recommendations

Because one of the translation goals is to bridge interlingual and intercultural gaps between nations and to improve international communication, more attention needs to be paid to translation and translators in Libya. In this context and based on the above-mentioned findings, the following recommendations are suggested:

1. Establishment of translator training institutions

Since translation has become part and parcel of business activities, and because the need for translators is increasing rapidly, establishing translator-training institutions has become very necessary. The main aim of translator training institutions is to produce qualified translators and translation specialists. Other aims include: (1) promotion of the importance of translation and its function as a tool in conducting business, (2) creation of opportunities to study translation involving many languages, (3) promotion of proficiency in translation, and (4) *provision of practical* translation courses.

2. Formation of translators' associations

Because translators' associations play a vital role in the promotion of the profession of translation, the need for forming translators' associations in Libya has become very necessary. One of the main goals of these associations is to formulate laws to regulate translation activities. Such laws will help in (1) controlling translation quality, (2) monitoring competition between registered and unregistered translators, and (3) fixing translation fees. Other aims of these associations may include: (1) looking after the

3. Lack of translation quality control

Because of the non-existence of translators' associations no laws and regulations were developed to monitor and control translation quality. The lack of monitoring and controlling quality has resulted in poor-quality translations. Based on the collected data, poor quality was in both accruing and presentation.

6.2 Findings

The study results are based on a personal experience and observations of professional translators who were actually working during the period covered by the study as well as feedback collected from translation commissioners and users. Having analyzed translators' observations and views of translation commissioners and users, the following findings have been reached as a result:

1. Because of economic factor and issuing the law No. 12/84, which prevented using languages other than Arabic, the demand for legal translators and translation increased rapidly during the period 1990-2000.
2. Some positive effects, such as raising the income level and social status of the legal translators have been noticed.
3. Some negative effects have also been observed such as: (1) unregulated competition between translators and translation agencies, especially between registered and unregistered (wandering) translators, (2) involvement of unqualified translators in business translation, (3) emergence of low-quality translations, and fluctuation of translation fees.

many translators, interpreters and teachers at that time (cf. Giaber, no date A : 8).

2. Lack of professional translator training institutions

Because of the lack of laws which regulate the translation activities, there was no institution for training translators in Libya. Most of Libyan legal translators did not attend any special courses in translation studies. According to those who were covered by the questionnaire, 70% confirm that the majority of Libyan legal translators did not receive any special courses in translation studies. The study reveals also that there were no training programs for translators to raise the general awareness of translators and to show the translation importance to the society. As a result of unprofessional translators, some problems appeared during the period covered by the study. Some translators have wished to have translation courses because these courses might provide them with linguistic and professional skills.

Until the year 2000, and with the exception of Garyounis and Khalij Al-Tahaddi Universities, which have departments for translation, all universities in Libya taught translation as a subject within the departments of English and French (cf. Giaber, no date A: 7). Only during the second half of the year 2000, an MA programme in translation and interpreting was started at the Academy of Graduate Studies in Tripoli and later on in Benghazi. The aim of this program was to produce qualified translators/interpreters (English-Arabic/Arabic-English)[1].

1.For more details see: Giaber (no date B: 1)

1. Non-existence of translators' associations

95% of the respondents stress that there was no association for Libyan legal translators during the period covered by the study. The role of an academic /professional association is to encourage translators and make their voices heard and their demands met (Giaber, no date A: 8). In other countries for example, most of the translators were members of local, or regional and/or international associations such as (FIT) Federal International for Translation. According to Owens (1996 : 71-72), the role of professional associations would always be the same a mixture of presentation, regulation, information, qualification and association. Presentation covers some services offered by trade unions to raise the professional profile. Regarding regulations, may be de facto the form of statuary fixed rates of qualification for translation to control the market. In terms of information by distributing a regular journal with news and articles. Qualification covers not only formal qualification awarded or recognized by translators' organization but also training, seminar courses for members.

Being aware of the advantages of the importance of translators' associations and because of the increasing demand for translation and translators during the 1990s onwards, an attempt was made in 1995[1] to form a transalators society for prompting translation and interpreting issues but the attempt failed because of the lack of awareness of the importance of such asssociation among

[1] 1The attempt was made by Jamal Giaber, who obtained the first MA degree in translation studies in 1993 from Faculty of Languages, Al-Fateh University, Tripoli.

simple words and clear styles to clarify meanings. They also avoided using archaic words and ambiguous expressions in their translation. Because translation provides people with knowledge and information about the external world, individual distributors in Libya managed to contact Far East companies for business although they did not know any foreign language. Thus, translation awaked the people and contributed to the enrichment of the profession with new terms and expressions. For example, importers used to use terms such as B/L, F.O.B and C&F because they knew their meanings. Legal translators realized that the world changes and they should make every effort to keep up-to-date with development in their production field and indeed changes taking places in the languages they work from.

Problems encounterd legal translators

Despite the above-mentioned positive effects, business translation during the period covered by the study has also resulted in some negative effects. Some of these negative effects are: (1) unregulated competition between translators and translation agencies, especially between registered and unregistered translators, (2) involvement of unqualified translators in the translation business, (3) emergence of low-quality translations, and (4) fluctuation of translation fees.

Based on analysis of the feedback from those covered by different questionnaires, these problems "negative effects" were due to a number of reasons including (1) non-existence of translators' associations, (2) lack of professional translator-training institutions, and (3) lack of translation quality control. In what follows, each of these reasons will be discussed briefly.

clients' satisfaction. Improvement was reflected on the ability to work quickly, absorbing new information rapidly, working under pressure, and the ability to check their own and others' work (Owens, 1996: 32-33). The study reveals that Libyan translators dealt with the following categories: (a) individual businessmen, (b) representatives of cooperatives, (c) representatives of joint-stock-companies, (d) public services, and (e) foreign companies.

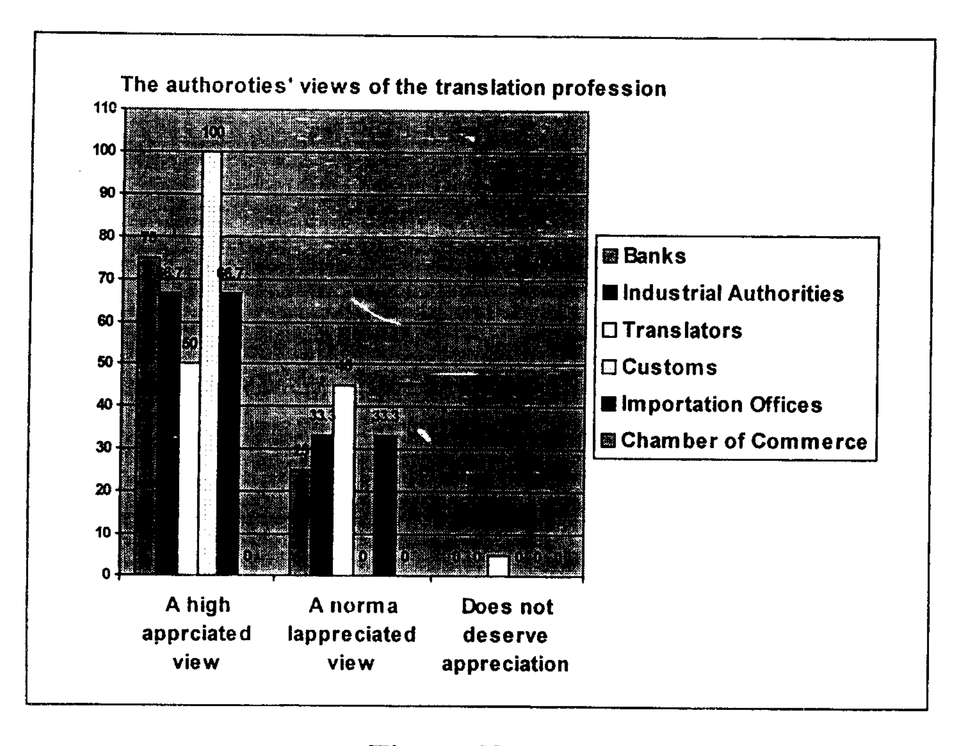


Figure No. (14)

Translation services are also measured in terms of linguistic flexibility, which means the ability to write in different styles for different clients and different texts and being flexible enough to accept different clients' requirements (Owens, 1996:43). Most legal translators used

the sanctions in Tripoli and Benghazi only, has also increased during the period covered by the study. Because of these effects, many translators left their official jobs with the state and opened agencies or cooperated as wandering translators with private offices such as lawyers or notaries. Both registered and unregistered translators achieved high living standards which led them to gain respect in the society.

Translators were respected for their linguistic competence and necessary services they offered. These services had an undisputed significance in business. Because of their rewarding jobs, translators also achieved higher living standards than many others, which gave a good boost to their social status (cf. Giaber, no date A : 6).

Business translation had some effects on the profession of translation. The effects can be discussed in terms of positive effects and negative effects. Positive effects may include (1) developing translator skills, (2) dealing with people, and (3) using new equipment. On the other hand, negative effects can be described in terms of (1) non-existing of translators' associations, (2) lack of translation quality control, and (3) appearance of unregistered translators.

Positive effects

In terms of developing translators' skills, there was a big demand for business translation during the period covered by the study and legal translators improved methods and techniques of how to deal with different people. The aim of these methods was to present a good work and gain the

the monthly income of a freelance translator varied from LD 1000 to LD 1500. The charging rate for translating documents varies from LD 5-15 per page depending on the type and density of the text. (Giaber, no date A: 6). Being a rewarding source of income, translation became an area of competition among registered and unregistered translators.

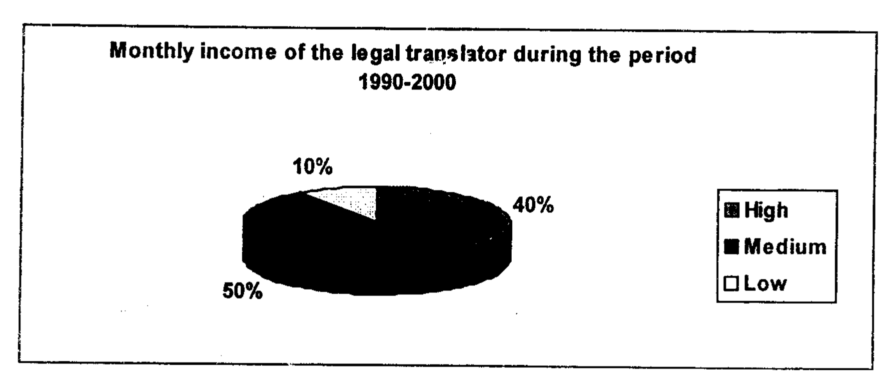


Figure No. (16)

Concerning the financial situation of the wandering translators, 5% of those covered by the study stress that unregistered translators decreased their translation fees to compete with the registered translators. Translators gained a good reward for the job of translation during the sanctions period. The reward was achieved because of the following factors: (1) the number of commercial documents was great, (2) translation commissioners were rapidly increasing, (3) repetition of the same texts every day, and (4) simplicity of the texts such as car booklet and B/L.

As a result of this improvement in the financial situation, the number of legal translators has remarkably increased. This increase can be noticed, for instance, in few cities such as Khoms, Misurata and Zletin. Furthermore, the number of translation agencies, which were common before

Because of the importance of translation in the Libyan society, many people started thinking deeply of sending their children to special schools to study foreign languages so that later on they can specialize in some of these languages and become translators. As an indication of this interest, the number of the undergraduate students at the Department of English of Al-Fateh University during the academic year 2000-2001 was around one thousand students (Giaber, no date A: 5). Postive Effects on the legal translator.

Because of the flourishing of business translation, many positive effects appeared on the translator. These effects can be discussed in terms of two aspects: the financial and social aspects. 95% of the questionnaire respondents affirm that the legal translator was considered the backbone of any commercial business related to external trade. His role was not only restricted to the translation of words or commercial terms, but also to the clarification of the meanings of these terms. The financial status of the legal translator has improved gradually and his social status has risen rapidly. The more translation flourished, the more the benefits and profits the translator obtained.

Effects at the financial level

Because of the increasing demand for translation, it became a rewarding source of income for its practitioners. Business translation during the study period had positive effects on the financial situation of the legal translator. Based on the ranslators' questinnaire, 40% of the respondents stress that his income was high. According to the feedback of the respondents, the monthly salary of a foreign language teacher, for example, varies from LD 200 to LD 350 while

Social status of the Libyan translator

Based on the Law No. 12/1984, Libyan translators became important because they mastered a foreign language and were needed by the society. Legislative laws were also supporting them. (50% of the responders confirm that the translator was given a high score, and 50% gives the translator an average score). The figure study reveals that many institutions including foreign companies realized the social position of translators, so they offered them excellent salaries, facilities, and other professional advantages. Based on the analysis of the feedback received from the questionnaire respondents, 90% confirm that Libyan translators were scarce before 1990 except in the main cities such as Tripoli and Benghazi because of the availability of seaports, big companies and diplomatic missions in these cities.

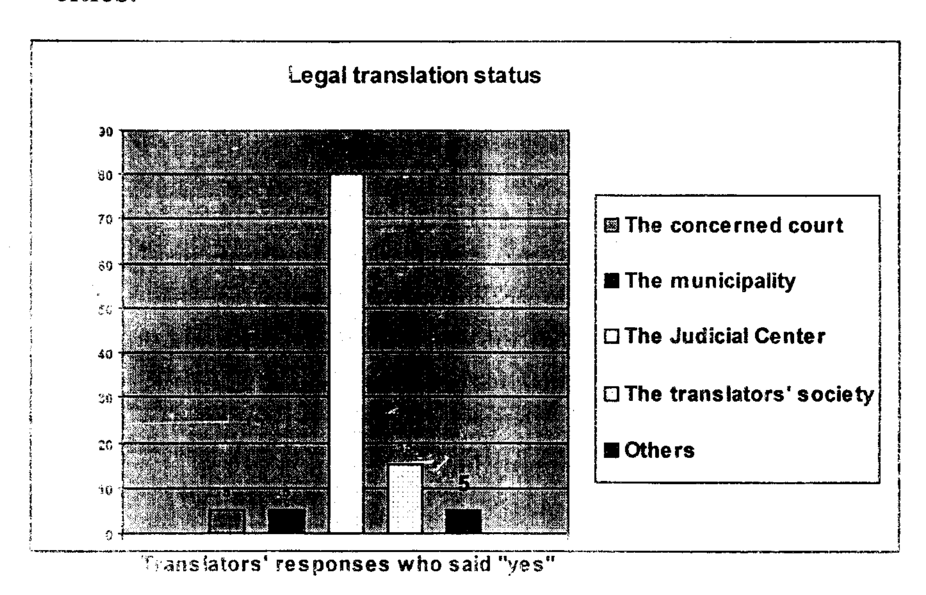


Figure No. (6)

say that the translator himself fixed the fees of his translation, none say that the clients fixed the fees, and 50 % say that the market fixed the fees of the translation. This variation is attributed to the fact that there was no professional association to control prices during the period covered by the study.

Concerning using of modern equipment, 90% of the translation agencies were using modern devices such as computer, fax, photocopier and telephone, because these equipment had positive effects on the job of translation. The fax-machine, for example, facilitates contact between the client and the agency. Instead of contacting each other personally, the client can send his assignment by fax in order to save time, effort and money. Using computer, for example, offered many facilities to the legal translator especially in the filed of typing and storing information. It is worth mentioning here that many business documents were similar to each other and issued from the same source.

In terms of qualification and background of the legal translataors, most of the legal translators (registered & non-registered), covered by the study, were not specialized in translation although they were graduates from English departments in Libyan universities. The majority were holders of undergraduate degrees. 85% of the respondents say that the highest degree was university level. Some of the translators received training courses abroad, others developed their skills through practice.

received training courses abroad became wandering translators and practiced translation.

In compliance with Law No.12/1984, Many legal translation activities had to be performed. These activities include: (1) translating all passports of the foreigners who had to travel to Libya, (2) translating shipping documents of all ships which were sailing to Libyan ports, and (3) translating all the signboards, nameplates and placards into Arabic. Besides, each foreign company was asked to employ a Libyan translator to facilitate the administrative procedures with public authorities. The law also stipulates that no language should be used in Libyan courts other than Arabic.

The abundance of translation work helped a lot in increasing the demand for legal translation and translators. This abundance of work showed the significance of the legal translator in business activities. 40% of respondents confirm that translation became 'very necessary', and 55% of respondents answer that translation became 'necessary'. Only 5% of respondents say that translation was 'just a routine'.

Concerning the legal translators' performances, most of the translation agencies offered their services in different languages. 55% of the translators' questionnaire stress that these agencies had many Libyan and non-Libyan translators working in these offices in addition to secretaries and clerks to manage daily work. Registered translators also offered other services such as typing documents, photocopying, and general service.

In terms of fixing the translation fees, the respondents of the questionnaire have different views as follows: 50%

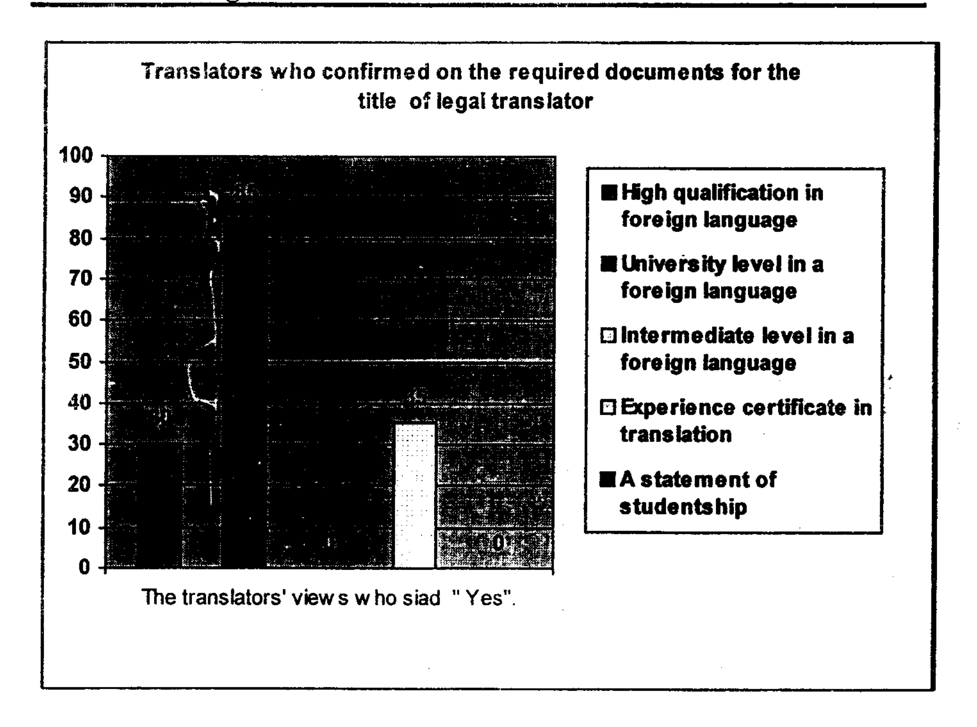


Figure No. (4)

Socio-cultural factors

Issuing the law preventing the use of other languages than Arabic

This law is considered as one of the socio-cultural factors that led to the need for legal transaltors and translations.

As a result of this law, legal translation agencies were established in some cities such as Khoms and Zletin which never had such agencies before. Any Libyan who mastered a foreign language was considered a lucky person, because there was a good job waiting for him. Consequently, language teachers, university students, and those who

activities, and (3) facilitating related administrative procedures.

Business activities during the sanctions period can be described in terms of two main activities: industrial activities and commercial activities. The industrial activities were mainly those of industrial cooperatives. The commercial activities include the importation of second-hand cars, activities of individual distributors and activities of joint-stock companies.

Role of legal translators in buiseness activities

Since there were many people who became engaged in business avtivities, the demand for legal translators increased rapidly. Respondents of the questionnaire stress that there was a 100% increase in the demand for business translation. Both the importers and the translation users needed legal translation for information and/or administrative purposes. These purposes can only be achieved through translation.

Unregistered translators were translating either in their houses or in the offices they cooperated with because they had no fixed places. Most of them translated simple documents which did not need high translation skills such as car documents. Most of their translations were handwritten. The majority of the unregistered translators did not meet with the clients personally but through a mediator who received the assignment from the clients and gave them a date for handing over the translations.

Factories leading to the appearnce of legal translators

Economic Factor

Because of economic sanctions, which imposed on Libya during that period, Libya has changed its economic policy by giving more emphasis to the private sector to do the task of importation instead of the public sector. This emphasis had positive effects on the economic movement in Libya. According to this emphasis, individuals, cooperatives and joint-stock companies were permitted to deal commercially with the outside world. Furthermore, the state encouraged these channels by giving them annual budgets to transfer local currency into hard currency as per official rate through opening letters of credit. This transference led to the activation of the trade movement in Libya during the period covered by the study. Consequently, the commercial openness towards the outside world had indirect positive effects on business translation. For example, a number of economy-related measures were taken to boost the economic situation in the country. These measures include (1) issuing laws which organize economic activities, (2) offering services to encourage industrial and commercial

agencies provided daily reports on foreign exchange rates in different languages.

Unregistered translators are the translators who also hold a legal personal stamp, but have no registered offices, and no professional licenses. According to the overall analysis of the questionnaire responses, unregistered translators practised translation as cooperators with different individuals or offices such as lawyers' offices, stationary shops, general service offices and public notary bureau. All unregistered translators were part–timers, because most of them were working with the state as teachers or clerks.

The emergence of unregistered translators during the period covered by the study was due to the sharp demand for business translation especially of car documents and importation documents. It was also because of the good translation reward. 85% of the respondents confirm this idea.

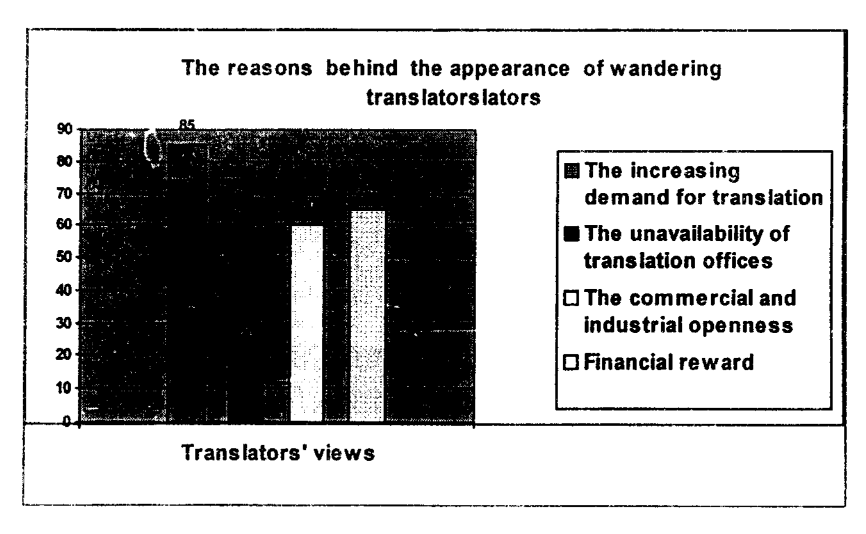


Figure No. (3)

Types of legal translators

The study shows that with the exception of in-house translators, in Libya there are two types of legal translators: registered translators and non-registered translators[3] Registered translators are those who hold personal legal stamps by which they are authorized to do the job of translation legally. They also have professional licenses which they obtained after fulfilling all the requirements specified by municipal legal authorities. By getting licenses,(cf. Appendix no.4) legal translators are entitled to do the job of translation professionally. Accordingly, they are forbidden from working as in-house translators in the govermental bodies or as clerks with the state. Registered translators should also have a trademark and a permanent address according to the Libyan commercial law. Thus, they should be registered at the 'commercial registration office' and at the chamber of commerce and industry.

In addition to their main job as legal translators, registered translators were offering other services in their agencies. These services included contacting foreign companies through telephone, fax and mail, and preparing correspondences of letters related to business. They also offered consultations in the field of commerce and industry. 75% of the questionnaire respondents confirm that legal translators played a vital role in facilitating the connection between Libyan importers and foreign exporters (cf. Appendix no.5). Translation agencies also offered translations of the Libyan laws which were valid at that time to the foreign companies. Furthermore, some of these

Translators' Profile

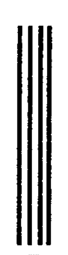
Who is the legal translator?

Generally, in Libya, a legal translator is a person who holds a personal legal stamp which is issued by a legal authority. A legal translator is supposed to master a foreign language(s) and has a qualification and/or experience in translation. This concept of 'legal translator' is shared by the questionnaire respondents.

Legal status

The legal status of a translator depends mainly on holding the legal stamp which is issued by the legal authorities of the administrative area. The stamp can be obtained only after the translator presents certain requirements to the court and attends a special session to take an oath before a judge. These requirements include (1) graduation certificate, (2) certificate of good conduct, (3) experience certificate and (4) an application form. Having obtained the legal stamp, the translator is entitled to be called a "legal translator" or "sworn translator"[1] or "legal expert in translation". Based on the above legal procedures and related laws and regulations, a legal translator is legally responsible for all translations bearing his/her stamp[2]

1 - For further information see: Mayoral (2000), pp 300-315.
2 - For further information see: Waredore (1963), pp 81-85.
3 - I suggest these two terms to avoid confusion between the qualities related to each of them.



Status of Legal Translators in Libya During the Period 1990-2000

Dr. Abdulla Dhaw(*)

Abstract

The demand for legal translators and translation was noticed in Libya during the period 1990-2000. Because of certain factors, the need for legal translation and translators has increased considerably leading to the flourishing of business translation during that period.

This paper describes briefly the legal, social and financial status of Libyan translators during the last decade. It also discusses some problems encountered them during the period covered by the study.

Data was gathered by a questionnaire, which directed to the legal translators, who were involved in the profession during the period covered by the study in some Libyan cities, namely: Tripoli, Khoms, Zletin and Misurata.

In this paper, I will try to shed the light on this group of people who contributed directly or indirectly in the progress of administrative and business translation in Libya during the period 1990-2000.

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